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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION APPROVING SETTLEMENT

OAL DKT. NO. BDS 4146-93

AGENCY DKT. NO. 92-547

IN THE MATTER OF A UNIFORM
PENALTY LETTER FILED BY THE
BOARD OF DENTISTRY AS TO
MICHELE M. LAPEYROLERIE, D.D.S.

Joyce Brown, Deputy Attorney General, for Board of Dentistry
(Deborah T. Pontz, Attorney General of New Jersey, attorney)

John Paul Dizzia, Esq., for respondent

Record Closed: April 20, 1994

Decided: April 26, 1994

BEFORE JAMES A. OSPENSON, ALJ:

This matter was transmitted to the Office of Administrative Law by the State Board of Dentistry on May 5, 1993, for a hearing pursuant to N.J.S.A. 52:14F-1 et seq.

Prior to the scheduled hearing date the parties entered into settlement discussions and advised the administrative law judge that the matters at issue had been amicably resolved. Thereafter, a settlement agreement was submitted.

I have reviewed the record and the terms of the settlement, and **FIND:**

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures contained in the agreement filed herewith.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and accordingly I approve the settlement and **ORDER** that the parties comply with the terms and that these proceedings be **CONCLUDED**.

Since the agency head has consented to the settlement terms, this decision is deemed the final decision. N.J.A.C. 1:1-19.1(b)2.

April 26, 1994
DATE

amr

James A. O'Penson
JAMES A. OSPENSON, ALJ



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW

124 HALSEY STREET
P.O. BOX 45029
NEWARK, NJ 07101

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DEBORAH T. PORITZ

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XXXXXXXXXXXXXXXXXXXX

(201) 648-4738

April 19, 1994

Honorable James A. Ospenson, A.L.J.
Office of Administrative Law
185 Washington Street
Newark, New Jersey 07101

Re: I/M/O Uniform Penalty Letter Filed By the
Board of Dentistry As to Michele M. Lapeyrolerie,
D.D.S.
Docket No. BDS 4146

Dear Judge Ospenson:

Enclosed are an original and two copies of the Settlement Agreement in the above referenced matter. Mr. Dizzia has signed the agreement on behalf of Ms. Lapeyrolerie and I have signed the agreement on behalf of the Board of Dentistry. If the Settlement Agreement meets with your approval, it is respectfully requested that you sign the agreement and enter an Order dismissing this case as settled.

At our last conference regarding this matter, you requested that I consult with the Board to determine if the Settlement Agreement in this matter is deemed to be a final decision of the Board. At its March 1994 meeting, the Board had consented to its terms and to my signing the agreement on its behalf. Therefore, in accordance with N.J.A.C. 1:1-19.1(b), the attached Settlement Agreement is deemed a final decision not subject to modification or reversal since the Board has consented to the settlement terms.

April 19, 1994
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Thank you for your kind attention to these matters.

Very truly yours,

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: Joyce Brown
Joyce Brown
Deputy Attorney General

JB:pjb
Enc.

cc: John Dizzia, Esq. (with enclosures)

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

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APR 20 3-21 '94

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD DENTISTRY
Dkt. Nos. BDS 4146
Ad-Log No. 92-547

IN THE MATTER OF A UNIFORM	:	Administrative Action
PENALTY LETTER FILED BY THE		
BOARD OF DENTISTRY AS TO		SETTLEMENT AGREEMENT
MICHELE M. LAPEYROLERIE, D.D.S.	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board") by Uniform Penalty Letters alleging that Michele M. Lapeyrolerie, D.D.S. violated N.J.A.C. 13:30-8.4(g) by failing to include her New Jersey Specialty Permit number in a New Jersey Bell Telephone Directory listing. Dr. Lapeyrolerie filed a response to the Uniform Penalty Letter denying said allegation and requesting a hearing.

The parties have conferred and it appears that the respondent has agreed to resolve this matter without further contest in accordance with the terms of this Settlement Agreement, and it further appears that the Board has agreed to resolve this matter by informal disposition pursuant to authority conferred under N.J.S.A. 52:14B-9(d), in accordance with the terms of this Settlement Agreement, without either admission or finding of wrongdoing.

In Settlement of the within matter, the parties mutually agree that:

1. Michele M. Lapeyrolerie is assessed the sum of \$500.00. The payment of and liability for the sum of \$500.00 shall be suspended on the condition that the respondent shall remain in compliance with the laws and rules respecting advertising administered by the Board for a period of one year commencing on the effective date of this Settlement Agreement. In the event the respondent is found guilty by the Board of an advertising violation within the one year period as stated above, the respondent shall be liable for and shall immediately make payment to the Board in the amount of \$500.00 upon such finding, in addition to any penalty that the Board may impose. At the end of said one year period, if there are no alleged advertising violations as to the respondent, the liability for the said \$500.00 shall be discharged without further action by the Board.

2. The respondent shall not publish any advertisement containing announcements of the availability of dental services by a specialist, including announcements in telephone directory listings individually or under specialist headings, without providing both

the licensee's name and the specialty permit number in accordance with N.J.A.C. 13:30-8.4(g).

3. In consideration of the above, the respondent hereby withdraws and dismisses her request for hearing.

JAMES A. OSPENSON, A.L.J.

We hereby consent to the
form and entry of this
Settlement Agreement.

John Paul Dizzia,
Attorney for Respondent,
Michele M. Lapeyrolerie, D.D.S.

DEBORAH T. PORITZ,
ATTORNEY GENERAL OF NEW JERSEY
Attorney for State Board of
Dentistry

By: Joyce Brown
Joyce Brown,
Deputy Attorney General